IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Baggett et al.	Art Unit	: 2772
Serial No.	: 09/431,674	Examiner	: Porter, Rachel L.
Filed	: November 1, 1999	Conf. No.	: 9072
Title	: AVAILABILITY PROCESSING IN A TRAVEL PLANNING SYSTEM		

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REPLY BRIEF

Pursuant to 37 C.F.R. §41.41, Applicant responds to the Examiner's Answer using the same paragraph designations that the examiner used.

(A)

Appellant maintains that the specification clearly shows how and why the claimed invention treats "low quality" data as though it were "high quality" data, as recited in the instant claims. The terms "low-quality data" and "high quality data" are defined in the specification such that the claimed travel planning system process would be understood by one skilled in the art. Moreover, the terms are used in the claims in a manner that does not render the claims indefinite and thus requires that the examiner give those terms patentable weight over the prior art.

The examiner maintains that Appellant's cite to page 8, lines 23-32 of the specification is not helpful because: "However, while this passage explains that different sources of data have different properties, it does not discuss the evaluation or ranking of these properties in terms of "high quality" vs. "low quality."[1] Appellant relies on the passages cited in the Appeal Brief.

Appellant does not understand the examiner's argument, since Appellant has not specifically claimed "evaluation or ranking of properties." However, Appellant does maintain that one skilled in the art would understand that in the context of the claimed and described invention that there are different sources of availability information and that these sources have

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[1] Examiner's answer page 26.

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different levels of quality, i.e., high and low levels of quality[2] and these different sources have concomitant costs for accessing the information that permit more efficient utilization of processing resources.

(B)

In response to Appellant's argument, the examiner contends that she disagrees with "the Applicant's interpretation of the art, and in particular with the Applicant's narrow interpretation of the term 'seat availability data' in the current claim language."[3]

While Appellant and the examiner can disagree over what is actually disclosed in the Lynch '094 reference, the examiner has not furnished any basis upon which to ascribe any different meaning to the term "seat availability information" than the meaning described by Appellant.[4] While Appellant concedes that Lynch '094 processes several types of travel information, such as flights and fares, Lynch does not specifically describe processing of "seat availability information."

Moreover, whether or not Lynch '094 at column 2, lines 60-65; figure 3, col. 6, lines 6-10, col. 7, lines 46-49; col. 9, lines 11-30 or elsewhere implicitly discloses "seat availability information," which Appellant does not concede, Lynch neither describes nor suggests: "an availability process that accesses seat availability information from multiple sources of seat availability information, ...and uses results from a first source of the multiple sources of seat availability information ... to determine a set of instances of transportation for which a seat is available ...determines quality properties of the availability information from the first source ...; and determines, based on the quality properties, whether the first source of seat availability information is reliable."

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[2] This invention uses multiple sources of seat availability information. Furthermore, due to the low cost associated with querying some sources of seat availability information, it is practical to make multiple sets of queries to availability sources. The invention permits use of inexpensive, but lower-quality data, to guide later queries to more expensive higher-quality data so as to reduce cost without reducing the quality of the final travel planning result. (Appellant's specification page 2, lines 24-32)

[3] Examiner's Answer page 27.

[4] See for instance page 7, line 25. "The availability process 70 returns for each leg a list of booking classes and seat availability counts for each as described above."

(C)

The examiner notes Appellant's argument on pages 12-13, that Lynch '094 reference does not disclose seat availability information that originated from something other than a revenue management system.

The examiner argues that: "In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Lynch'094 reference does not disclose seat availability information that originated from something other than a yield management system) are not recited in the rejected claim(s)."

The examiner mischaracterizes Appellant's argument. Appellant's argument was that:

> Accordingly, Appellant's invention in general, uses multiple sources of seat availability information. Due to the low cost associated with querying some sources of seat availability information, it is practical to make multiple sets of queries to availability sources."

Additionally, Appellant's argument cited by the examiner in context is:

> Appellant contends that the examiner fails to show that Lynch '094 discloses that a computer reservation service uses a source of seat availability information that originates from something other than airline yield management system (also known as a revenue management system). Rather, it is clear that to the extent the Lynch '094 can be assumed to discuss "seat availability" data, that data has but one quality since the airline yield management system or revenue management system are the known, correct sources of seat availability data.
> Finding a different type source for the seat availability data however would be inconsistent with the teachings in Lynch '094, namely: "Inventory data structure 18 includes inventory information obtained from one or more computer reservation systems 24 used by the travel agency." [Col. 4, lines 6-11], as well as Walker '620 and Hornick (applied to later claims).

Appellant by this reasoning is not asking the Board to read into the claims limitations from the specification but instead is merely pointing out that because Lynch only discloses a

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CRS that Lynch inherently does not use multiple sources of seat availability information, a feature that is recited in claim 1.

The examiner also argues that: "There is nothing in the present claim language of exemplary claim 1 to specifies or excludes (sic) any source of seat availability information (e.g. CRS's, Yield or Revenue Management Systems)."

Appellant responds that RMS and Yield systems are synonymous, whereas CRS's are computer reservation systems that access an RMS system to obtain seat availability information. CRS's are not in themselves the source of seat availability information, which is the RMS, whereas, unlike the other examples of systems disclosed and claimed by Appellant, e.g., the RMS and various predictors of seat availability data. Accordingly, there is no need for Appellant's claims to exclude CRS's, since they obtain this information from an RMS and there is no need for exclusion of RMS systems, since they are one of the sources contemplated as one of the multiple sources of seat availability information.

The examiner also argues that:

> **Furthermore, including different types of sources of seat availability information does not destroy intended use of the Lynch '094 patent. As stated in the abstract, the purpose of the Lynch '094 system is to retrieve inventory and determine a plurality of low-cost alternate travel arrangements that are available to the customer." (Lynch '094 abstract, lines 9-14). One would have been motivated to include various types of seat availability sources to maximize the likelihood that the system will identify a plurality of (low-cost) travel arrangements to be offered to a customer. (Lynch'094: col. 1, lines 66-col. 2, line 2, line 2, lines 19-22).**

However, this reasoning does not follow from Lynch, since were Lynch's purpose "to maximize the likelihood that the system will identify a plurality of (low-cost) travel arrangements to be offered to a customer ... ," Lynch '094 would merely receive the seat availability data known to have the highest quality from the known reliable sources CRS's, assuming that Lynch indeed disclosed seat availability information in the first instance.

(D)

In this section the examiner states: "Appellant further argues Lynch does not perform a second set of queries based upon information from the first set of queries and does not use quality measures in retrieving data."[5]

The examiner then goes into a lengthy discussion that: "Appellant fails to appreciate the vast breadth of the claim(s), as presently recited."[6] The examiner then proceeds to effectively argue that every limitation discussed by the examiner can be effectively ignored, e.g., quality and reliability, but never addresses the feature that: "the availability process executes a second set of seat availability queries to the first source or a different one of the multiple sources of seat availability information based on the outcome of determining quality properties, to provide a second set of instances of transportation for which a seat is available."

The examiner argues that: "The current claim language does not provide a definition or description of which qualities are determined by the system and the Appellant fails to point to any specific sections of the specification that define the term 'quality properties.'" Appellant contends that the specification clearly describes this element, where Appellant's specification clearly discloses that the different sources have different properties[7] *Ipis verbis* agreement between the claims and the specification is not required. Therefore, the examiner must show that one skilled in this art would not understand the meaning of... a process that: "determines quality properties of the availability information from the first source of seat availability information and

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[5] Appellant's argument was:
Further it would also follow that Lynch '094 would not suggest that: "and if the results are not reliable, the availability process executes a second set of seat availability queries to the first source or a different one of the multiple sources of seat availability information based on the outcome of determining quality properties, to provide a second set of instances of transportation for which a seat is available." Nowhere does Lynch describe that a second set of availability data are obtained from the CRS's and used to provide a second set of instances of transportation, as a result of a determination that the data was not of sufficient quality or that the source was not reliable. Lynch '094 arguably teaches to update data on a schedule determined by the system, but clearly does not suggest to provide a second set of instances of transportation, as a result of a determination that the data was not of sufficient quality or that the source was not reliable.

[6] Examiner's Answer page 30.

[7] The different sources 65, 66 each have different properties, including the cost (in time, computation, communication, or money) of performing a query and the quality (age/freshness, confidence, precision, or validity). Sometimes all costs are negligible, such as when querying a cache; other times the costs are substantial, such as when submitting live queries directly to the airlines (costly in time, communication, and money since the airlines often charge a transaction fee). When a source is expensive, it is desirable to contain these costs. (Appellant's specification page 8, line 24).

determines, based on the quality properties, whether the first source of seat availability information is reliable,"[8] by a review of Appellant's disclosure before the examiner can arguably refuse to give the term patentable weight.

The examiner argues that Appellant has not provided a definition of "whether the data are 'reliable.'"[9] As with the properties featured above, the examiner seems to require Appellant to narrow the scope of the claim, despite the examiner admission that: "the term "reliability" is not expressly disclosed in the cited section of the Lynch '094 reference in connection with the query and results return process and data update process."[10] Appellant contends that the reason why Lynch does not expressly disclose reliability is because, to the extent that Lynch processes seat availability data, Lynch would get that data from the CRS, which, in turn, would get it from an airline's RMS. While the examiner also argues that: "it is respectfully submitted that one of ordinary skill in the art would have reasonably understood that the age (and fitness) of the availability data are indications of the reliability, precision, or validity of the data," the examiner seems unwilling to make the connection in regards to Appellant's claims.

The update module in Lynch '094 does not suggest that outdated availability data could make the data unreliable. Rather, it is merely a module that updates data based on a lapse of time. Lynch does not describe that "the system submits subsequent queries to one or more CRS's (i.e. the first or a different source seat availability data) ... " since Lynch does not describe the availability data in the first instance nor does Lynch describe that different CRS's have seat availability data of different quality levels, which Lynch's system seeks to update.

(E)

The examiner contends that:

> Appellant argues Lynch '094 does not disclose or suggest outputting the pricing
> table results from determining the reliability of the seat availability information. In
> response to Appellant's argument that the references fail to show certain features of

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[8] Reference is also made for example to claim 9 as originally filed which recites: "wherein the sources of seat availability information generate replies with differing quality properties such as freshness, confidence, precision, and validity."
[9] Examiner's Answer page 30.
[10] Id. page 31.

Appellant's invention, it is noted that the features upon which Appellant relies (i.e.,
"outputting the pricing table results") are not recited in the rejected claim(s).[11]

The examiner misconstrues Appellant's argument. Appellant does not use the term

"pricing table" that is a term used by the examiner and Lynch. Appellant merely argued that

Lynch '094 did not suggest that outputting of the pricing table results from determining the

reliability of the seat availability information.[12]

Accordingly, the examiner's argument is not addressed to the claimed features of claim 2.

(F)

Regarding claim 3, the examiner: "disagrees with the Appellant's interpretation of the art,

and in particular with the Appellant's narrow interpretation of the term "seat availability data" in

the current claim language."[13]

Appellant uses this term "seat availability data" in a manner that is used in the prior art

and the examiner has not explained why Appellant's use of this term is incorrect. This use is

consistent with cited references, Walker and Hornick and Appellant's specification. It is

Appellant's position that while Lynch processes several types of travel information, Lynch

apparently does not include "seat availability data."

The Examiner asserts that: "the 'plain meaning' of the phrases "seat availability data" and

sources of seat availability data have been applied in interpreting the claim language and in

applying the prior art." Appellant contends that the examiner cannot make this statement. The

only references that the examiner has to these terms is Appellant's specification, and Walker and

Hornick. Appellant's specification uses these terms in the same with how those terms or their

equivalents are used in Walker and Hornick, and since the examiner disagrees with the meaning

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[11] Examiner's Answer page 32

[12] Appellant's claim 2 serves to further limit claim 1 by reciting that "if the availability process determines that the first source of seat availability information is reliable, the availability process returns the results." In contrast, Lynch '094 at block 220, outputs the table of alternate low-cost travel arrangements to a user of the system by displaying the table on a workstation 36, after the process at block 218 generates the pricing table. However, nowhere does Lynch '094 suggest that outputting of the pricing table results from determining the reliability of the seat availability information. (Appeal Brief page 14.)

[13] Examiner's Answer page 33.

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ascribed to these terms by Appellant, the examiner has not applied "the 'plain meaning' of the phrases "seat availability data" and "sources of seat availability data."

(G)

Appellant notes that the Examiner interprets the claim language in a manner that suits the examiner's case, which is not based on any teachings from Appellant's specification or Lynch. While Lynch '094 may be viewed as teaching speculatively determining travel options, Lynch does not have low quality or high quality seat availability data distinctions, since the seat availability data is of but one quality, the data that is received from the CRS's. Moreover, as argued above the data that Lynch describes is not seat availability data but fare, flight and rule data. Rather, the speculative calculations (i.e. genetic algorithms) are tied to a user's travel request, (column 7, lines 29-45) not to quality properties of the seat availability data.

(H)

In this section the examiner essentially repeats arguments and contentions discussed above, but does not address the feature of "determine quality of a first set of seat availability information from a first source of availability information to guide a travel planning system to determine a subsequent set of instances of transportation for which a seat is available, and if the quality of the seat availability information is low, execute a second set of seat availability queries to the first source or a different source of seat availability information to provide a second set of seat availability information from the first source or the different source of seat availability information."

Irrespective of whether or not the Lynch reference discloses "seat availability information" at column 2, lines 60-65; figure 3, col. 6, lines 6-10, col. 7, lines 46-49; col. 9, lines 11-30 by the querying one or more central reservation systems/ CRS's), Lynch does not describe the claimed feature.

However, these passages but for Col. 6, lines 11-61 are the same passages that the examiner incorrectly relies on for teaching seat availability information and in no sense do those passages describe: "determine quality of a first set of seat availability information from a first

source of availability information to guide a travel planning system to determine a subsequent set of instances of transportation for which a seat is available, and if the quality of the seat availability information is low, execute a second set of seat availability queries to the first source or a different source of seat availability information to provide a second set of seat availability information from the first source or the different source of seat availability information." Appellant contends that Col. 6, lines 11also does not teach seat availability information.

The examiner acknowledges that: "Lynch'094 does not expressly disclose whether the system queries the same or different source(s) of seat availability information …," but argues that it would be obvious to query one or more different sources of seat availability information (i.e. sources of higher quality) if the results from the first are of low quality (i.e. unreliable)."

Appellant contends that there is a fundamental flaw in this reasoning. The examiner appears to argue that the art teaches that there are different sources of seat availability information that have different quality levels. However, no reference that the examiner has applied discloses that there can be different sources of seat availability information, let alone that those sources have different levels of quality.

In addition, the suggestion offered by the examiner, namely: "As suggested by Lynch '094, one would have been motivated to do this to maximize the likelihood that the system will identify a plurality of (low-cost) travel arrangements to be offered to a customer while minimizing the involvement of a travel agent (col. 1, lines 66-col. 2, line 2, lines 19-22)." would be illogical, since determining seat availability information does not involve the travel agent and using less reliable sources of seat availability information does not necessarily "maximize the likelihood that the system will identify a plurality of (low-cost) travel arrangements." Rather, using lower quality sources minimizes the cost involved in identifying potential travel arrangements, since the lower quality sources are less expensive than the highest quality source, namely an airline's RMS system.

(1)

The examiner has clarified her argument regarding sources and queries, however, the clarified argument still does not address the features of claim 15.

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Appellant maintains that the Examiner has relied upon _improper_ hindsight in rejecting claims 15 and 21. The examiner cites _In re McLaughlin_, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971), for the proposition that: "that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Appellant's disclosure, such a reconstruction is proper."

Appellant maintains that the examiner has done that which was proscribed by _McLaughlin_. The examiner is unable to show where Lynch in the first instance discloses seat availability information. Nor has Lynch identified source of "inventory information"[14] as having different levels of quality. Rather, Lynch teaches to cache inventory information that Lynch identifies as flights and fares, fare rules, etc and run genetic algorithms to produce travel arrangements. At best, Lynch teaches to cache the inventory data, and at pre-selected time intervals, update that data from a CRS. However, even were "seat availability" data implicit in Lynch '094, Lynch does not describe sources of that data having different levels of quality, since the CRS's have only the actual seat availability data with only one level of quality.

However, Appellant's invention is directed to a different system, a computer program to manage availability information for use by a travel planning system. The availability system however makes use of different sources for the "seat availability information." Appellant explains that these sources are the airline's RMS system, which has the actual availability information, i.e., the highest quality, and then there are lesser quality sources, predictors, caches, etc. that are less reliable but also less expensive to use, since those sources are generally free whereas, the airlines charge for answering an availability query made to an RMS system.

Therefore, the Examiner has used the claim as a roadmap and has misinterpreted Lynch '094 to reject claims 15 and 21.

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[14] Lynch '094 Col. 2, lines 60-65

(J)

In response to Appellant's argument, the examiner again reverts to the contention that: "Appellant fails to realize the breadth the terms 'low-quality data' and 'high-quality data.'"[15] As explained of record Appellant has supported these terms in the specification. The examiner also argues that the specification (page 17, lines 2-14), "in which low cost data is equated with low quality. However, the passage also fails to correlate to the claim language, as it never explains how the seemingly arbitrary distinction between high versus low quality data is made."[16] Appellant disagrees and submits that the distinction is not arbitrary and is fully explained.[17] Simply stated in order to avoid the costs associated with performing live queries to an RMS system, Appellant manages a set of different sources, e.g. predictors, caches of such seat availability information to avoid the costs (time and monetary) in performance of live queries to RMS systems.

(K)

In response to Appellant's argument, the examiner again reverts to the contention regarding the breadth of the recited terms including "quality properties."

The examiner's contention that the time that has elapsed since the inventory data was obtained varies for the sources, is not true. What would vary is the time of the inventory data stored by Lynch compared to any of the sources, but the sources themselves would always have

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[15] Examiner's Answer page 39.

[16] Id

[17] The process 70a sends a query to a second source, for instance, when the first source had no information or had a low confidence rating for its information about that query. Typically, the first sources are lower cost, lower quality sources, while the last sources are more expensive, higher quality sources. Not all queries will be submitted to all sources because of prohibitive cost. When the process 70a has availability information for a leg from more than one source, it uses the data gathered from the highest quality source.

One method for cost containment sets a hard cost limit and submitting queries (while keeping track of the costs) until 82 the cost would exceed the hard limit; other methods are explained below. For example, a timeout is set to limit the amount of time used by the availability checking stage, and computation proceeds with only whatever information was received before the timeout expired. (Appellant's specification page 9, lines 15-30)

The process 70a is a sequential multi-stage query process. The process 70a first uses a cache or other predictive type source 66 to provide an initial set of queries and then performs a live query to airline yield management or availability systems 65. The cache queries are quick and cheap to perform, but can have stale or incorrect data. The live queries are expensive. Therefore, only a few can be made per travel planning session. However the live queries are up-to-date and correct. (Appellant's specification page 10, line 4-11)

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the same data. However, as Appellant has discussed, that data does not explicitly include seat availability data.

(L)

The examiner again acknowledges that Lynch '094 does not teach that there are different costs associated with accessing the different sources of seat availability information ... ." and uses Lynch '114 to disclose that it is well known in the art that different sources of seat availability data (e.g. proprietary CRS's) often have differential costs associated with accessing/obtaining availability information, (column 1, lines 21-38)." However, Lynch '114 discusses the role between a travel agent and a CRS not accessing seat availability information.

The examiner proffers a motivation that is inconsistent with the claimed invention and indeed undercuts the examiner's argument. The examiner states: "One would have been motivated to include these charges to ensure that the CRS providers are fairly compensated (e.g. compensated on a per use basis) for the use and maintenance of their data systems." However, it is the purpose of Appellant's system to avoid the transaction costs associated with queries to the airlines' RMS systems.[18] Therefore, any motivation that seeks to combine references to "ensure that the CRS providers are fairly compensated," either is not suggested or combines features that are totally unrelated to the claimed invention. For all of the reasons discussed of record, Appellant contends that both situations exist here, namely the combination is not suggested and the combination is of features that are unrelated to the claimed invention.

(M)

Appellant has not attacked the references individually. The examiner used Lynch '094 as a primary reference to disclose a system for obtaining availability data of different quality properties. As is argued throughout Appellant's Appeal Brief, Lynch neither described nor suggested what the examiner relies on Lynch to teach. Moreover, it was the examiner that used

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[18] The different sources 65, 66 each have different properties, including the cost (in time, computation, communication, or money) of performing a query and the quality (age/freshness, confidence, precision, or validity). Sometimes all costs are negligible, such as when querying a cache; other times the costs are substantial, such as when submitting live queries directly to the airlines (costly in time, communication, and money since the airlines often charge a transaction fee). When a source is expensive, it is desirable to contain these costs.

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Walker individually to disclose: "the use of expected (i.e. predicted) and actual demand and how this information is used to project/predict the need for changes in inventory, (col. 4, lines 66-col. 5, line 29)." Appellant again contends that Walker's discussion that an RMS predicts demand based on historical information is not what Appellant's systems do. Rather, Appellant's systems predict what the RMS system will do and therefore Walker does not disclose what the examiner relies on it for.

The examiner contends that: "Appellant further challenges the Examiner's interpretation of the term "availability data." However, the Examiner submits that the term has been given its broadest reasonable interpretation in the Lynch and Walker references." Appellant has shown however that the interpretation that the examiner gives to that term to argue that it is disclosed by Lynch '094 is inconsistent with how that term is used in Walker, and therefore proves Appellant's argument that "seat availability data" is not disclosed by Lynch '094.

(N)

Again, the examiner states that Appellant has argued the references individually. Rather, Appellant has argued against the combination of references that the examiner has proposed.

Hornick provides a definition of seat availability that is consistent with the manner that Appellant has used that term, but is inconsistent with the way that the examiner construes Lynch '094.

The examiner argues, *inter alia* that: "Hornick discloses a system wherein availability data are computed or guessed internal to the travel planning process, (col. 2, lines 41-53; col. 6, lines 57-62)." This is a mischaracterization; since Hornick, rather than guessing internal to the CRS, proposes a new RMS technique to determine seat availability for that CRS. At the time of the Appellant's invention, the combination of Lynch '094 with Hornick would add nothing further to Lynch '094, since Lynch '094 would still make a query to the RMS taught by Hornick and incur the monetary and at least computation expense. Hornick does not guess availability data as the examiner contends since it is a proposed RMS system for use by an airline's CRS. Thus, while in the context of a travel planning process the combination may offer customers a large selection of potential travel options while accounting for the probabilistic and complex

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nature of demand, which is the essence of RMS systems, it does so with the concomitant expense that is avoided by Appellant's invention.

(O)

With respect to claim 34, Appellant contends that Hornick cannot teach to perform an availability check <u>before</u> faring because as Appellant contends Hornick is a revenue management system and not a travel planning system.[19]

Again, the examiner misconstrues Appellant's argument. The claim language need not preclude "revenue management systems." Rather, the examiner simply errs in arguing that Hornick's RMS is a travel planning system. In Hornick, the travel planning is performed not by the airline seat reservation system described by Hornick, but at the travel agents. It is not that Hornick reference is somehow non-analogous art because it is a revenue management system; rather, the argument is that Hornick simply does not teach what the examiner says it teaches.

The examiner states that: "Hornick teaches a system/ method wherein seat availability is determined after a faring process (i.e. availability process is executed after a faring process), (col. 6, lines 44-62)." Appellant does not disagree with this.

However, the converse cannot be taught by Hornick, since according to Hornick, "Operators at the reservation terminals 3 enter a seat reservation request for a particular itinerary/fare class. The computer 2 receives the seat reservation request from the reservation terminals 3 and the airline reservation system 1 accepts or rejects the seat reservation request."[20]

Hornick has no teaching that the operators merely enter a particular itinerary without any fare class. Moreover, Hornick's RMS algorithm is predicated on knowledge of the fare class and fares used with the itinerary, since otherwise that would not maximize travel service provider revenue while accounting for the probabilistic and complex nature of demand. (Hornick: col. 2, lines 21-53), the very motivation stated by the examiner.

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[19] Hornick describes an airline seat reservation system (Abstract). Indeed Hornick discloses travel agent terminals and so forth, but in order for Hornick to provide availability data Hornick must first know where the travel agent's customer is traveling to. No such disclosure is present in Hornick.

[20] Hornick Col. 6, lines 44-49.

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Therefore, Hornick cannot be modified to "allow a faring process to be executed prior to an availability determination (i.e. availability process), since the required input to execute the RMS algorithms disclosed by Hornick would not be present prior to faring.

(P)

In this section, again the examiner mischaracterized Appellant's argument. Appellant argued that: "Claim 14 ... is allowable over the combination of references at least because Lynch '094 does not teach the features of base claim 1 and Slotznick does not cure the deficiencies in Lynch '094. Appellant did not argue against the references individually, but merely concede that assuming that Slotznick taught what the examiner used the reference to teach, it did not cure the deficiencies in Lynch '094.

(Q)

The examiner did not separately address Appellant's argument regarding the combination of Lynch '094 in view of Official Notice (applied to claim 28).
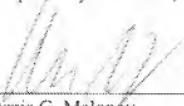
For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

This Reply Brief is accompanied by a Request for Oral Hearing.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3/13/12

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